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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,296	10/31/2000	Dana Lynn Blair	2705-127	2274
20575	7590	04/19/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			HAN, CLEMENCE S	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/703,296		BLAIR, DANA LYNN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Clemence Han		2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/16/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Vaziri et al. (WO 98/37665).

In regarding to claim 1, Vaziri teaches a method for converting a public switched telephone network call to a data network call, the method comprising: receiving the public switched telephone network call from an origination phone at a destination phone 504; identifying a caller identifier for the public switched telephone network call at the destination phone 610; rejecting the public switched transmission call prior to the public switched transmission call being completed by transmitting a signal to the origination phone 506, 510 (Column 3 Line 12); placing a call to a network service provider from the destination phone 510; determining a network address for the origination phone 516; and completing a network call with the origination phone 520.

In regarding to claim 2, Vaziri teaches the destination phone as a personal computer 1304 (Page 42 Line 17).

In regarding to claim 3, Vaziri teaches the destination phone as a customized telephone (Page 6 Line 8).

In regarding to claim 4, Vaziri teaches the call to the network service provider 706 made via PSTN 702.

In regarding to claim 5, Vaziri teaches the call to the network service provider made via a local area network (Page 44 Line 1-2).

In regarding to claim 6, Vaziri teaches a method for converting a public switched telephone network call to a data network call, the method comprising: placing a public switched telephone network call from an origination phone to a destination phone 502; detecting a rejected call from the destination phone at the origination phone prior to call completion by detecting a rejection signal from the origination phone 506, 508 (Column 3 Line 12); placing a call to a network service provider from the destination phone 508; determining a network address for the destination phone 516; and completing a network call with the destination phone 520.

In regarding to claim 7, Vaziri teaches the origination phone as a personal computer 1304 (Page 42 Line 17).

In regarding to claim 8 Vaziri teaches the origination phone as a customized telephone (Page 6 Line 8).

In regarding to claim 9, Vaziri teaches the call to the network service provider 706 made via PSTN 702.

In regarding to claim 10, Vaziri teaches the call to the network service provider made via a local area network (Page 44 Line 1-2).

In regarding to claim 11, Vaziri teaches a network phone, comprising: a phone connector operable to connect to a public switched telephone network 406; a transmitter 2B15 operable to transmit signals corresponding to a phone number for a call destination and a call identifier; a detector 2B15 operable to receive an incoming call from another station and detect supplementary signals associated with that call; a processor 2B03 operable to transmit a rejection signal to the other station (Column 3 Line 12); place a public switched telephone network call to a service provider in response to the supplementary signals 508; detect a network address for the other station 516; and complete a network call between the network phone and the other station 520.

In regarding to claim 12, Vaziri teaches the network phone as a personal computer 1304 (Page 42 Line 17).

In regarding to claim 13, Vaziri teaches the network phone as a customized telephone (Page 6 Line 8).

In regarding to claim 14, Vaziri teaches receiving a public switched telephone network call from an origination phone at a destination phone 504; identifying a caller identifier for the public switched telephone network call 610; rejecting the public switched transmission call prior to call completion by transmission of a rejection signal to the origination phone 506, 510 (Column 3 Line 12); placing a call to a network service provider from the destination phone 510; determining a network address for the origination phone 516; and completing a network call with the origination phone 520.

In regarding to claim 15, Vaziri teaches the software code executed by a personal computer 1304 equipped to place public switched telephone network calls (Page 42 Line 17).

In regarding to claim 16, Vaziri teaches the software code executed by a customized telephone (Page 6 Line 8).

In regarding to claim 17, Vaziri teaches placing a public switched telephone network call from an origination phone to a destination phone 502; detecting a rejected call from the destination phone at the origination phone prior to call completion by detecting a rejection signal from the origination phone 506, 508

(Column 3 Line 12); placing a call to a network service provider from the origination phone 508; determining a network address for the destination phone 516; and completing a network call with the destination phone 520.

In regarding to claim 18, Vaziri teaches the software code executed by a personal computer 1304 equipped to place public switched telephone network calls (Page 42 Line 17).

In regarding to claim 19, Vaziri teaches the software code executed by a customized telephone (Page 6 Line 8).

In regarding to claim 20, Vaziri teaches a network phone, comprising: a means 406 for connecting to a public switched telephone network; a means 2B15 for transmitting signals corresponding to a phone number for a call destination and a call identifier, a means 2B15 for receiving an incoming call from another station and detect supplementary signals associated with that call; a means 2B03 for transmitting a rejection signal to the other station (Column 3 Line 12); a means 2B03 for placing a public switched telephone network call to a service provider in response to the supplementary signals 508; a means 2B03 for detecting a network address for the other station 516; and a means 2B03 for completing a network call between the network phone and the other station 520.

***Response to Arguments***

3. Applicant's arguments filed on February 16, 2005 have been fully considered but they are not persuasive.

In response to pages 6-8, the applicant argued that Vaziri does not teach rejecting call prior to call being completed. The examiner agrees that there is some difference between the definition of "call being completed" used by the examiner and the applicant. The applicant argues that call is completed when the called phone is caused to 'alert' or ring. The examiner interprets a call being completed when the destination phone is answered. Vaziri teaches rejecting the PSTN call prior to the PSTN call being answered (Column 4 Line 9-14) according to the switch-over command (Column 3 Line 12). The limitation as it is can lead to different interpretations. For example, one can also argue that a call is completed when both parties hang up their phones. The examiner also like to direct the applicant's attention to Lee et al. (WO 98/11704) which teaches similar method for converting telephone network call to data network call.

Therefore, the examiner contends that Vaziri teaches all the limitations in claims 1-20.



***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

WO 98/11704 to Lee et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 -

5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.H.  
Clemence Han  
Examiner  
Art Unit 2665



STEVEN NGUYEN  
PRIMARY EXAMINER